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September 8, 2008

Ned Therien
Health Policy Analyst
WA State Board of Health
P.O. Box 47990
Olympia, WA 98504

Re: Comments, Final Draft, Chapter 246-366A WAC

Dear Mr. Therien:

On August 27, 2008 David Swink, Environmental Public Health Director, Spokane Regional Health District, testified before the WA State Board of Health. His testimony consisted of our general comments regarding this draft of the school rule. In his testimony Mr. Swink stated that our technical comments would be forthcoming. Attached are those comments.

Please do not hesitate to contact me at (509) 324-1570 if you have questions or need clarification regarding our comments.

Sincerely,

ENVIRONMENTAL PUBLIC HEALTH

A handwritten signature in cursive script that reads "Juliana G. Awbrey".

Juliana G. Awbrey, R.S.
School Program Manager

Encl.

c: Nancy Bernard, School Health and Safety Program Manager, DOH
Mark Soltman, Local Health Support Section Manager, DOH

JA/lh

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Draft - Primary and Secondary Schools WAC 246-366A - Comments		
“Applicability”		
WAC Section	Text	Comment
246-366A-005(1)	“These rules apply to all... school facilitieskindergarten through twelfth grade, and preschools that are part of schools.”	See our comment regarding the definition of “school facilities”. Previous comment on Draft 2: The Washington State Dept. of Early Learning already has a mandate and jurisdictional authority for preschools and daycare facilities. In keeping with recommendations from the Board’s EH Committee, we suggest preschools be removed from this regulation in order to avoid conflict and duplication of service.
246-366-005(1)(a)	“...except: Private residences used for home-based instruction...”	Is the intent that LHI’s continue to inspect home-school centers, where home-schooled students gather and parents share the teaching responsibilities?
“Definitions”		
WAC Section	Text	Comment
246-366A-010(14)	“ Faucet means...and can discharge both hot and cold water”	Some schools have separate faucets for hot and for cold water. Since the water quality monitoring section refers to faucets several times, it may be helpful to refine the definition.
246-366A-010(29)	“ School facility means school-owned or leased buildings and grounds...”	This definition effectively exempts all Catholic Diocese schools (and likely some private schools) in our county from these regulations. In Spokane, the local church is the legal entity that owns the property and school building. The schools are a part of the church mission and do not own or lease any of the buildings or grounds. Per our conversation with our local Catholic Diocese School Superintendent, in is our impression that this is true for many of the Catholic schools throughout the state. Recommendation - change the definition to “school facility means buildings or* grounds intended for student use.....” *“buildings or grounds” is important so off-site play fields without buildings are not exempt from the rule.
“Site Assessment, Review and Approval”		
WAC Section	Text	Comment
246-366A-	Converting an existing structure for primary	This is extremely cost-prohibitive for a small private

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030(1)(b) <u>A full site assessment:</u>	use as a school facility.	school, e.g., converting a house into a Montessori plus kindergarten, and may not always be warranted. We recommend moving this item to section (2) to allow for flexibility.
246-366A-030(5)(a) <u>The local health officer shall:</u>	"Conduct an inspection of the proposed site"	In some cases, e.g., installation of a portable classroom, a site visit may not be necessary, and would only increase LHJ and school costs. This should be discretionary.
246-366A-030(5)(d) <u>The local health officer shall:</u>	"For site assessments according to subsection (2)...provide written approval or describe site deficiencies needing mitigation to obtain approval"	There may be a rare occasion when an LHJ has to deny a school project, e.g., a proposed addition when the site cannot accommodate the required on-site sewage disposal system. Section (5)(c) should apply to both sections (1) and (2), or (5)(d) should be reworded to include LHJ denial of the project as an option.
246-366A-030(6)	"If school officials notified the local health officer prior to September 1, 2010, that construction is planned ..."	This is too ambiguous. It should be written notification, with stated timelines included. Is there no end-date? Some school districts have 20-year plans. Is it the intent that LHJ's can be notified of those projects and they will be exempt from revised site review requirements?

"Construction Project Review"

WAC Section	Text	Comment
246-366A-040(1)(c) <u>Subject to review:</u>	"Addition to or alteration of an existing school facility consisting of more than five thousand square feet of floor area or having a value of more than ten percent of the total replacement value of the school facility"	<ul style="list-style-type: none"> • Grammar – As written, it appears it is the school facility with more than five thousand sq ft, not the addition/alteration. • More than 10% is inequitable, and adds cost to the school for an appraisal. Why is this included? • There is a gap in this section. LHJ's do not need to review all projects; however, there needs to be a requirement for schools to <i>notify</i> LHJ's of lighting upgrades, ventilation modifications, etc. The dialogue would ensure that schools would design the systems to code, rather than find out later at a routine inspection that something was out of compliance. This would be a cost savings to schools.

"Heating, Ventilation and Air Conditioning – Operation and Maintenance Requirements"

WAC Section	Text	Comment
246-366A-095(2)(a) and (2)(b)	Both sections reference chapter 51-52 WAC	We understand why this code is referenced. Is there a way to reference certain sections, such as Table 403.3, in order to make this more user-friendly? Can appendices be added to the rule and the appropriate sections included?

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246-366A-095(2)(a) and (2)(b)	"For school facilities constructed under a building permit...."	Portable classrooms are not constructed under a building permit, but rather are approved by L&I. The rule as currently worded does not apply to portables. Section (2)(a) and (b) need rewording so portables are included.
246-366A-095(2)(b)	"...strive to provide outdoor air consistent with chapter 51-52 WAC. Except where indoor air quality problems have been identified..."	What is the point? What does this say? What is the requirement where indoor air quality problems have been identified?
"Restrooms and Showers – Operation and Maintenance"		
WAC Section	Text	Comment
246-366A-125(1)(b) <u>Provide in each restroom:</u>	"Single service handwashing soap at each sink"	We recommend "at" be changed to "for" in order to allow shared soap dispensers located between sinks.
"Water Quality Monitoring for Lead/Copper"		
WAC Section	Text	Comment
246-366A-130 246-366A-135	Water Quality Monitoring for Lead and Water Quality Monitoring for Copper	Previous Comment on Draft 2: Water testing of this nature may be very burdensome and expensive for most schools. It would likely cause funding to be diverted away from essential health and safety issues such as chemical disposal, expensive mold mitigation, laboratory safety, playground maintenance, shop safety, and ventilation improvements. While we support the provision of safe drinking water as a basic public health function, we have not observed that an adequate risk assessment has been completed in order to document the need for statewide drinking water testing to the extent currently required in this draft.
246-366A-130(2)(b)(i)	"Make sure cold water is the last to run through the fixture to be tested"	How does this pertain to automatic mixing faucets with tempered water?
246-366A-130(3)(a) & (b)	Preschools	Some preschools are located in high schools or in completely separate buildings. The monitoring timelines for preschools are not clearly stated.
246-366A-135	Water quality monitoring – copper	Preschools are not addressed in this section.